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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,712	01/24/2001	Kazuhiro Iwabuchi	81922.0005	3683
26021	7590	04/05/2004	EXAMINER	
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			MEHRPOUR, NAGHMEH	
			ART UNIT	PAPER NUMBER
			2686	13

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/768,712

Applicant(s)

KAZUHIRO IW ABUCHI ET AL.

Examiner

Naghmeh Mehrpour

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 12/24/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-6**, are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (US Patent Number 6,466,292).

Regarding **claims 1, 2**, Kim teaches a portable radio communication apparatus (see figures 5 & 6) which has a sound input device for inputting sound, a sound output device for outputting sound, an input device for inputting various signals, and a communication device for communicating various communication data such as audio data, text data, and image data, the portable radio communication apparatus including:

- a first case 230,
- a second case 210 which is rotatably connected to the first case 230 and which can be in open and closed positions with respect to the first case 230,
- a first display 200a, which is exposed when the second case 210 is in the open position,
- a second display 200b, which is exposed whether, the second case is in the open or closed position (col 5 lines 44-54),

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a first illuminator 24a, which illuminates the first display 200a/24a (see figure 2),

a second illuminator 24b, which illuminates the second display 200b (see figure 2),

an electric power supply switch, which can switch between lines to supply electric power for illumination to the first illuminator and the second illuminator,

an open/closed position detector which detects whether the second case 210 is in the open or closed position (col 6 lines 14-36, lines 45-50), and

a controller 140 which controls the electric power supply switch (col 6 lines 45-66), with reference R to what the open/closed position detector 220 has detected (col 5 lines 45-55), to supply electric power to the first illuminator when the second case 210 is in the open position (col 5 lines 54-67, col 6 lines 1-7, lines 25-28), and to supply electric power to the second illuminator 190 when the second case 210 is in the closed position (col 6 lines 32-36), and wherein the first display 200a/26a and the second display 200b/26b are constituted by a unitary display device, which can display on both a front side and a backside (col 5 lines 29-36).

Regarding **claims 3, 6**, Kim teaches a portable communication apparatus wherein the display device is provided in either the first case 230 or the second case 210, and the first case 230 or the second case 210, in which the display device is provided has a window for the first display 200a in the inner face of 210 and has a provided window for the second display 200b in the outer face (see figures 5&6, col 5 lines 50-54, col 6 lines 45-66).

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Regarding **claim 4**, Kim teaches portable radio communication apparatus portable radio communication apparatus 100 wherein the display device has a first reflective plate on the opposite side to the window for the first display 200a and has a second reflective plate on the opposite side to the window for the second display 200b (col 5 lines 6-25).

### ***Response to Arguments***

3. Applicant's arguments filed 12/24/03 have been fully considered but they are not persuasive.

In response to the applicant's argument that "Kim reference was filed in U.S. on June 19, 2000, and present application claims priority was filed Jan 27, 2000. applicants' foreign priority filing date antedates the Kim reference, and therefore Applicants request that the rejection based on the Kim reference will be withdrawn".

Examiner states that the Kim reference claims foreign priority was filed Jun 17, 1999. Therefore, applicant's argument is not valid, and the Examiner maintained the previous rejection.

### **Conclusion**

4. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any responses to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications indented for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label ☐PROPOSED or ☐DRAFT)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, Va., sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

If attempt to reach the examiner are unsuccessful the examiner's supervisor, Marsha Banks-Harold be reached (703)305-4379.

NM

*Marsha D Banks-Harold*  
MARSHA D. BANKS-HAROLD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

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March 31, 2004